

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

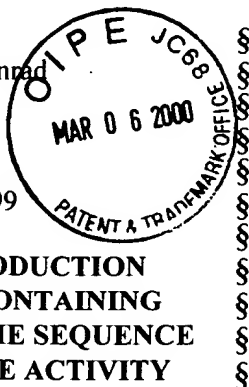
In re Application of:

Charles A. Conrad

Serial No.: 09/411,568

Filed: October 4, 1999

For: **IN VIVO PRODUCTION
OF ssDNA CONTAINING
DNA ENZYME SEQUENCE
WITH RNASE ACTIVITY**



Atty. Docket No.: INGA,004/C/CIP

Examiner: Unknown

Group Art Unit: 1633

COMMISSIONER OF PATENTS
AND TRADEMARKS
WASHINGTON, D.C. 20231

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patent and Trademarks, Washington, D.C. 20231.

Mark R. Wisner, Registration No. 30,603

3/1/00
Date

**VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS (37 C.F.R. §§ 1.9(f) and 1.27(b))
INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. §1.9(c) for purposes of paying reduced fees under 35 U.S.C. §§41(a) and (b) to the Patent and Trademark Office with regard to the invention entitled **IN VIVO PRODUCTION OF ssDNA CONTAINING DNA ENZYME SEQUENCE WITH RNASE ACTIVITY** described in the above-identified patent application.

I have not assigned, granted, conveyed or licensed, and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. §1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d), or to a nonprofit organization under 37 C.F.R. §1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

FULL NAME: InGene, Inc.
ADDRESS: 8496 West 116th St.
Over Land Park, KS 66210

- ☐ INDIVIDUAL
☒ SMALL BUSINESS CONCERN
☐ NONPROFIT ORGANIZATION

FULL NAME: Cytogenix, Inc.
ADDRESS: 9881 South Wilcrest
Houston, TX 77099

- ☐ INDIVIDUAL
☒ SMALL BUSINESS CONCERN
☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. §1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: Feb 28, 2000

Signature: 
Charles A. Conrad

#4

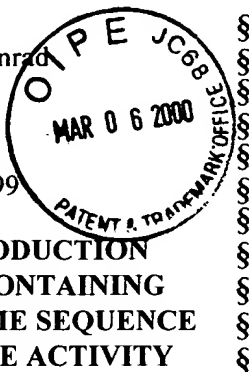
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Charles A. Conrad

Serial No.: 09/411,568

Filed: October 4, 1999

For: ***IN VIVO* PRODUCTION
OF ssDNA CONTAINING
DNA ENZYME SEQUENCE
WITH RNASE ACTIVITY**



Atty. Docket No.: INGA,004/C/CIP

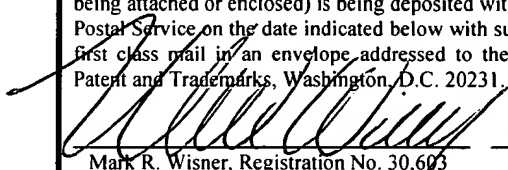
Examiner: Unknown

Group Art Unit: 1633

ATTENTION: BOX MISSING PARTS
COMMISSIONER OF PATENTS
AND TRADEMARKS
WASHINGTON, D.C. 20231

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patent and Trademarks, Washington, D.C. 20231.


Mark R. Wisner, Registration No. 30,603 March 1, 2000
Date

RESPONSE TO NOTICE TO FILE MISSING PARTS

Applicant responds to the Notice of Missing Parts (Form PTO-1533) mailed in the captioned application on November 1, 1999 as follows. A request for a two month extension of the time to respond to that Notice, and a check for the applicable fee, is enclosed. The enclosed check also includes the fee required for late filing of the missing parts (37 C.F.R. 1.16(e)). Please note that the check that is enclosed is made out in the amounts for filing these documents as a small entity and that, as set out below, documents establishing small entity status are enclosed. In the event the check in the amount of any necessary fees was not properly executed, was not included with this Response and/or was insufficient in amount, or if for any other reason this Response is not considered timely filed, request is hereby made for an extension of the time for the period necessary to ensure consideration of this Response and the Commissioner is authorized to charge Deposit Account No. 50-0965 (INGA,004/C/CIP) in the amount of any necessary fee.

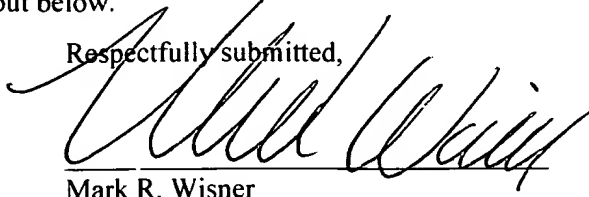
Enclosed for filing in the captioned application is/are the following document(s):

- ☒ Declaration signed by inventor(s);
- ☒ Verified Statement of Small Entity Status (Independent Inventor) of Charles A. Conrad;
- ☒ Verified Statement of Small Entity Status (Small Business Concern) of Ingene, Inc.; and

☒ Verified Statement of Small Entity Status (Small Business Concern) of
Cytogenix, Inc.

In the event there are questions, please contact the undersigned attorney for Applicant(s) at the
address and telephone number set out below.

Respectfully submitted,



Mark R. Wisner
Registration No. 30,603
Wisner & Associates
2925 Briarpark, Suite 930
Houston, TX 77042
(713) 785-0555
Fax: (713) 785-0561

ATTORNEY FOR APPLICANT

Date: March 1, 2000

Wisner & Associates

INTELLECTUAL PROPERTY LAW

MARK R. WISNER*

OF COUNSEL

MALCOLM H. SKOLNICK, Ph.D.
JONATHAN F. ELLISTON, Ph.D.
TIM W. CURINGTON

* A PROFESSIONAL CORPORATION



2925 Briarpark, Suite 930
Houston, Texas 77042-3728

Telephone: (713) 785-0555
Facsimile: (713) 785-0561

E-Mail: mwisner@wt.net

File No. INGA,004/C/CIP

March 1, 2000

Box Missing Parts
Commissioner of Patents and Trademarks
Washington, DC 20231

Re: Application of: Charles A. Conrad
Serial No.: 09/411,568
Filed: October 4, 1999
For: **IN VIVO PRODUCTION OF ssDNA CONTAINING DNA
ENZYME SEQUENCE WITH RNASE ACTIVITY**

Dear Sir:

Enclosed for filing in connection with the captioned application is/are the following:

- Copy of Notice to File Missing Parts (dated November 1, 1999);
- Request for (Two Month) Extension of Time,
- Response to Notice to File Missing Parts;
- Declaration and Power of Attorney
(executed by the inventor, Charles A. Conrad);
- Verified Statement (Declaration) Claiming Small Entity Status
(37 C.F.R. §§ 1.9(f) and 1.27(b)) - Independent Inventor;
- Verified Statement (Declaration) Claiming Small Entity Status
(37 C.F.R. §§ 1.9(f) and 1.27(c)) - Small Business Concern
(executed by Charles A. Conrad as President of InGene, Inc.);
- Verified Statement (Declaration) Claiming Small Entity Status
(37 C.F.R. §§ 1.9(f) and 1.27(c)) - Small Business Concern
(executed by Malcolm H. Skolnick as President of Cytogenix, Inc.); and
- Our firm's Check No. 1239 in the amount of \$255.00 (\$65.00 for the late filing of the Declaration (small entity) and \$190.00 for the (small entity) fee for a two month extension of time).

Wisner & Associates

Box Missing Parts

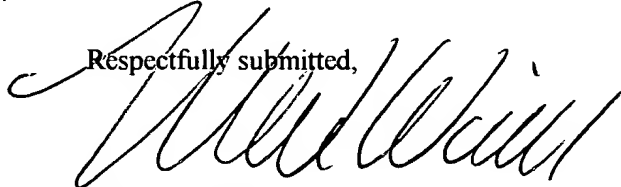
Commissioner of Patents and Trademarks

March 1, 2000

Page Two

The Commissioner of Patents is hereby authorized to draw on the Deposit Account of Wisner & Associates, Account No. 50-0965 (INGA,004/C/CIP), if there are fees associated with this filing and/or if any required fees enclosed are insufficient, the check is unsigned, or if fees are inadvertently not enclosed. Please return the enclosed self-addressed, postage-prepaid postcard evidencing receipt of the above documents.

Respectfully submitted,



Mark R. Wisner

Attorney for Applicant

Registration No. 30,603

MRW/lm
Enclosures

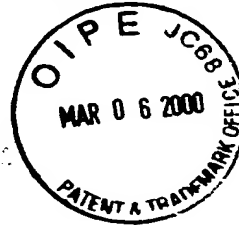


UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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MARK S. WISNER
C/O WISNER & ASSOCIATES
2925 LRI PARK
SUITE 900
HOUSTON TX 77062



DATE MAILED: 1999

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a
☐ small entity (statement filed) ☒ non-small entity is \$ 130.00.

- ☐ 1. The statutory basic filing fee is:

- ☐ missing.
☐ insufficient.

Applicant must submit \$_____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- ☐ 2. The following additional claims fees are due:

\$_____ for _____ total claims over 20.

\$_____ for _____ independent claims over 3.

\$_____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:

- ☒ is missing or unsigned.
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

- ☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

- ☐ 9. OTHER: _____

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Charles A. Conrad

Atty. Docket No.:

INGA,004/C/CIP

Serial No.: 09/411,568

Examiner:

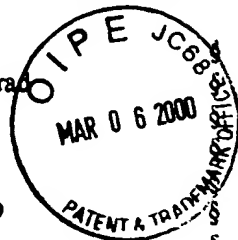
Unknown

Filed: October 4, 1999

For: **IN VIVO PRODUCTION
OF ssDNA CONTAINING
DNA ENZYME SEQUENCE
WITH RNASE ACTIVITY**

Group Art Unit:

1633

COMMISSIONER OF PATENTS
AND TRADEMARKS
WASHINGTON, D.C. 20231**CERTIFICATE OF MAILING (37 CFR 1.8a)**

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Mark R. Warner, Registration No. 30,603

March 1, 2000
Date**VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS (37 C.F.R. §§ 1.9(f) and 1.27(c))
SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN:

Cytogenix, Inc.

ADDRESS OF CONCERN:

9881 South Wilcrest

Houston, TX 77099

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §121.1301 *et seq.* for purposes of paying reduced fees under 35 U.S.C. §§41(a) and 41(b), in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **IN VIVO PRODUCTION OF ssDNA CONTAINING DNA ENZYME SEQUENCE WITH RNASE ACTIVITY** by inventor Charles A. Conrad described in the above-identified patent application.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. §1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e).

FULL NAME: InGene, Inc.
ADDRESS: 8496 West 116th St.
Over Land Park, KS 66210

- ☐ INDIVIDUAL
☒ SMALL BUSINESS CONCERN
☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. §1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: March 1, 2000

Signature: Malcolm H. Skolnick
Malcolm H. Skolnick, President
Cytogenix, Inc.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Charles A. Conrad

Atty. Docket No.:

INGA,004/C/CIP

Serial No.: 09/411,568

Examiner:

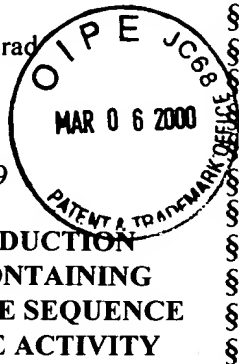
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Mark R. Wisner, Registration No. 30,603

Date

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SMALL ENTITY STATUS (37 C.F.R. §§ 1.9(f) and 1.27(c))
SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN:

InGene, Inc.

ADDRESS OF CONCERN:

8496 W. 116th Street

Over Land Park, KS 66210

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FULL NAME: Cytogenix, Inc.
ADDRESS: 9881 South Wilcrest
Houston, TX 77099

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☒ SMALL BUSINESS CONCERN
☐ NONPROFIT ORGANIZATION

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: Feb 28, 2000

Signature: Charles A. Conrad, President

Charles A. Conrad, President
InGene, Inc.